

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Michael Aten,

Plaintiff,

v.

Mercantile Adjustment Bureau, LLC,

Defendant.

Case No. 1:13-cv-2807

NOTICE OF REMOVAL

NOW INTO COURT, through undersigned counsel, comes defendant, Mercantile Adjustment Bureau, LLC (“Mercantile”), which hereby removes from the Court of Common Pleas, Cuyahoga County, Ohio, the following described lawsuit, and respectfully states as follows:

1. Plaintiff Michael Aten commenced a civil action in the Court of Common Pleas, Cuyahoga County, Ohio, captioned as *Michael Aten v. Mercantile Adjustment Bureau, LL*, Case No. CV-13-817127 (hereinafter the “State Court Action”) on November 13, 2013. Mercantile is the only defendant in a civil action filed by plaintiff, Michael Aten.

2. Pursuant to 28 U.S.C. §§ 1441 and 1446, Mercantile removes the State Court Action to this Court, which is the federal judicial district in which the State Court Action is pending.

3. The complaint in the State Court Action asserts claims under the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227.

4. Removal of the State Court Action is proper under 28 U.S.C. § 1441. If the action had originally been brought in this Court, this Court would have original, federal question jurisdiction over plaintiff's TCPA claims per 28 U.S.C. § 1331.

5. Mercantile was served with summons and the State Court Action Complaint on November 25, 2013. This Notice of Removal is filed within 30 days of receipt of the State Court Action Complaint by Mercantile and is therefore timely filed under 28 U.S.C. § 1446(b).

6. A copy of all process, pleadings and orders served upon Mercantile in the State Court Action is being filed with this Notice and is attached hereto as **Exhibit 1**.

WHEREFORE, Mercantile Adjustment Bureau, LLC, removes the case styled *Michael Aten v. Mercantile Adjustment Bureau, LL*, Case No. CV-13-817127, from the Court of Common Pleas, Cuyahoga County, Ohio, on this 20th day of December, 2013.

Respectfully Submitted,

/s/ Michael D. Slodov

Michael D. Slodov, Esq.

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Attorneys for Defendant,

Mercantile Adjustment Bureau, LLC

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2013, a copy of the foregoing was filed electronically in accordance with the Court's Electronic Filing Guidelines. Notice of this filing will be sent to the parties by operation of the court's electronic filing system, at the address of counsel noted below. Parties may access this filing through the court's system. A true copy was also sent via email and via ordinary U.S. Mail, postage prepaid this 20th day of December, 2013 to:

Darryl E. Pittman
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/s/ Michael D. Slodov
Michael D. Slodov, Esq.